

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO: 4:13-CR-28-BR

UNITED STATES OF AMERICA,

v.

LARRY D. HILL, JR.,

Defendant.

ORDER

This matter is before the court on defendant's motion for reconsideration of this court's order dated 24 May 2017 granting the government's motion to authorize payment from his inmate trust account. (DE # 139.) Defendant has failed to present any new grounds for relief, save one. Defendant argues that the word "substantial" as found in 18 U.S.C. § 3664(n)¹ is "unconstitutionally vague in violation of defendant's right to due process under the Fifth Amendment." (DE # 139, ¶ 6.) Defendant argues that this term does not provide fair warning or notice and encourages arbitrary enforcement. (*Id.*) The court finds this argument to be without merit. See generally *United States v. Poff*, No. CR09-0160JLR, 2016 WL 3079001, at *6 (W.D. Wash. June 1, 2016) (acknowledging that § 3664(n) does not define "substantial" but holding that approximately \$2,600 "satisfies the ordinary meaning of this term"). Defendant's motion

¹ This statute provides:

If a person obligated to provide restitution, or pay a fine, receives substantial resources from any source, including inheritance, settlement, or other judgment, during a period of incarceration, such person shall be required to apply the value of such resources to any restitution or fine still owed.
18 U.S.C. § 3664(n).

for reconsideration is DENIED.

This 11 July 2017.



W. Earl Britt
Senior U.S. District Judge